

Kantilal Devshanker Sanyagar,
Residing at Dadar, Post-Sarasai,
Tal. Visavadar, Dist. Junagadh. .. Applicant
(Advocate - Mr. B.T. Rao)

Versus

1. Union of India, through
Post Master General,
Gujarat Circle,
Ashram Road, Ahmedabad.
2. Superintendent of Posts,
Junagadh.
3. Jakhara Iqbal Sulemanbhai,
At & Post : Dadar,
Via : Sarasai, T.: Visavadar
Dist. Junagadh. .. Respondents
(Advocate : Mr. J.D. Ajmera)

CORAM : Hon'ble Mr. P.H. Trivedi .. Vice Chairman
Hon'ble Mr. P.M. Joshi .. Judicial Member

O R A L - O R D E R

22.06.1989.

Per : Hon'ble Mr. P.M. Joshi .. Judicial Member


The petitioner Shri Kantilal Devshanker Sanyagar has filed this application under section 19 of the Administrative Tribunals Act, 1985. He has challenged the validity of the order dated 25.01.1989 (Annexure A-1) whereby Shri Iqbal Sulemanbhai Jakhara, the respondent No. 3 has been appointed as E.D.B.P.M. on ad hoc basis. According to him, he was earlier appointed as E.D.B.P.M. by virtue of the order dated 26.9.1978 (Annexure A-2), but the ^{said} ~~stay~~ order remained in abeyance, as the primary teachers who were discharging the duties as E.D.B.P.M. had obtained the stay order from the High Court. ~~Therefore,~~ ^{when} It was further submitted that as now the applications

filed by the primary teachers have been dismissed, he ought to have been appointed as E.D.B.P.M. instead of Shri Iqbal S. Jakhara respondent No. 3.

2. Mr. B.T. Rao, the learned counsel for the petitioner strenuously urged that the respondent No. 3 is not eligible for being appointed and as the petitioner was considered and appointed in the year 1978, the action of the respondents in appointing the respondent No. 3 deserves to be quashed and set aside.

3. It is significant to note that even though the petitioner was appointed in 1978, that order of appointment never materialised and he has never worked on the said post as E.D.B.P.M. It is borne out from the Annexure A-1 dt. 25.1.1989, ^{that} the competent authority, after following rules required for the purpose, has appointed the respondent No.3 after inviting the application. Accordingly, the petitioner cannot make any grievance against the appointment of respondent No. 3 as E.D.B.P.M. As ^{There is nothing on record to show that order dated 26.9.78 re} a matter of fact, ^{remained in abeyance} the present applicant has no merit in this application and deserves to be rejected. Accordingly, it is rejected summarily at the stage of admission. No order as to costs.


(P M Joshi)
Judicial Member


(P H Trivedi)
Vice Chairman